



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

Site:	
Break:	11.9
Other:	

OCT 02 1992

4RC

11 9 0001

4822

NOTICE LETTER

FOR REMEDIAL INVESTIGATION/FEASIBILITY STUDY ("RI/FS")  
URGENT LEGAL MATTER--PROMPT REPLY REQUESTED  
CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Dan Bineyard  
1301 McKinney, Room 2334  
Houston, Texas 77010

Re: The Chevron Chemical Company Site (the "Site"), Orange Blossom Trail, Florida, Cv. 92-46-C

Dear Mr. Bineyard:

This letter notifies the Chevron Chemical Company (Chevron) of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607(a), as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), P.L. 99-499.

The purpose of this letter is to notify Chevron of its potential liability and to provide general and site-specific information in order to assist you in negotiations with the United States Environmental Protection Agency ("EPA") of an Administrative Order on Consent and a Scope of Work for the Site.

EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above-referenced Site. By this letter, EPA is notifying Chevron of the opportunity to perform certain response activities as outlined below.

NOTICE OF POTENTIAL LIABILITY

Potentially responsible parties ("PRPs") under CERCLA include: the current owners or operators of the Site; persons who at the time of disposal of hazardous substances owned or operated the facility; persons who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for disposal or treatment of hazardous substances; and persons who accept or accepted any hazardous substance for transport to disposal facilities and selected such facilities.

Under CERCLA and other laws, PRPs may be liable for all funds expended by the United States government to take necessary corrective action at the Site, including planning, investigation,

cleanup and enforcement activities associated with the Site. In addition, PRPs may be required to pay damages for injury to natural resources or for their destruction or loss, together with the cost of assessing such damages.

Based on information received during the investigation of this Site, EPA believes that Chevron may be a potentially responsible party under Section 107(a) of CERCLA, 42 U.S.C § 9607(a). EPA requests that Chevron voluntarily perform the work necessary to prevent any releases or threatened releases of hazardous substances from the Site.

#### NEGOTIATIONS

Chevron Chemical Company is hereby invited to participate in formal negotiations with EPA and to negotiate settlement providing for the PRPs to conduct the Remedial Investigation/Feasibility Study ("RI/FS") at this Site. If Chevron provides EPA with a good faith offer to conduct or finance the RI/FS within sixty (60) calendar days of the date of receipt of this letter, EPA will conduct negotiations with Chevron for the performance by the PRPs of the RI/FS for the Site. If a settlement is reached between EPA and Chevron within a thirty (30) calendar day period after EPA's receipt of a good faith offer, the settlement will be embodied in an Administrative Order on Consent for the RI/FS.

If a good faith offer is not received within the sixty (60) day notice period, EPA reserves the right to take action at the Site. However, EPA reserves the right to take action at the Site in the event that a significant threat requiring EPA's immediate response arises at any time.

A good faith offer is a written proposal which demonstrates Chevron's qualifications and willingness to conduct or finance the RI/FS. A good faith offer to conduct or finance the RI/FS will include the following elements:

1. A statement of willingness by Chevron to conduct or finance the RI/FS which is consistent with the enclosed draft Administrative Order on Consent and the enclosed draft Scope of Work and which provides a sufficient basis for further negotiations.
2. Comments on the language and terms of the draft Administrative Order on Consent and Scope of Work.
3. A demonstration of Chevron's technical capability to carry out the RI/FS including the identification of the firm(s) that would be used to conduct the work or a description of the process that will be used to select the firm(s).

4. A demonstration of Chevron's capability and willingness to finance the RI/FS.
5. A statement of Chevron's willingness to reimburse EPA for costs incurred in overseeing the conduct of the RI/FS.
6. The name, address and telephone number of the party who will represent Chevron in negotiations.

ADMINISTRATIVE RECORD

Pursuant to Section 113(k) of CERCLA, 42 U.S.C. § 9613(k), EPA will establish the administrative record that will contain documents that will form the basis of EPA's decision on the selection of a response action for the Site. This administrative record will be open to the public for inspection and comment.

PRP RESPONSE AND EPA CONTACT PERSON

Your response to this notice letter should be sent to:

Wilda W. Cobb, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
345 Courtland Street, N.E.  
Atlanta, Georgia 30365  
(404) 347-2641 extension 2236

If you have any legal questions pertaining to this matter, please direct them to Ms. Cobb. Please direct any technical questions which you may have to Dorothy Rayfield, Site Assessment Manager, at (404) 347-5065.

Due to the seriousness of the problem and the high priority which has been placed on remediation at the Site by all the parties involved, EPA encourages you to give this matter your immediate attention and to respond within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,

DEPUTY FOR  
/s/ RICHARD D. GREEN

Joseph R. Franzmathes  
Director  
Waste Management Division

Enclosures